

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



RONALD GAINES,

Plaintiff,

v.

CIVIL ACTION NO. 2:15-cv-549

CAROLYN W. COLVIN,
Acting Commissioner of the Social
Security Administration,

Defendant.

ORDER

Before the Court is Plaintiff Ronald Gaines's action under 42 U.S.C. § 405(g), seeking judicial review of the decision of the Commissioner of the Social Security Administration ("Commissioner") that denied his claim for a period of disability, disability insurance benefits, and disabled widower's benefits under Title II of the Social Security Act. On February 23, 2016, this matter was referred to United States Magistrate Judge Robert J. Krask ("Magistrate Judge Krask") pursuant to 28 U.S.C. § 636(b)(1)(B), (C) and Rule 72(b) of the Federal Rules of Civil Procedure for a report and recommendation. ECF No. 6.

On March 24, 2016, Plaintiff filed a motion for summary judgment. ECF No. 8. On April 27, 2016, the Commissioner filed a motion for summary judgment. ECF No. 11. On December 22, 2016, Magistrate Judge Krask filed his report and recommended that the Commissioner's motion be denied, that Plaintiff's motion be granted, and that the Commissioner's decision be vacated and remanded for further proceedings. ECF No. 18. By copy of the report, each party was advised of their right to file written objections to the findings


and recommendations made by the Magistrate Judge within 14 days from the date of the mailing of the report.

The Court has received no objections to the report, and the time for filing the same has expired. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72, Advisory Committee’s Note). Finding no clear error, the Court does hereby accept the findings and recommendations set forth in the report and recommendations of Magistrate Judge Krask.

Defendant’s Motion for Summary Judgment is **DENIED**, ECF No. 11, and Plaintiff’s Motion for Summary Judgment is **GRANTED**, ECF No. 8. The decision of the Commissioner is **VACATED** and **REMANDED** for further review. The Clerk is **DIRECTED** to provide a copy of this Order to both parties.

IT IS SO ORDERED.

Norfolk, Virginia
January 20, 2017



Raymond A. Jackson
United States District Judge